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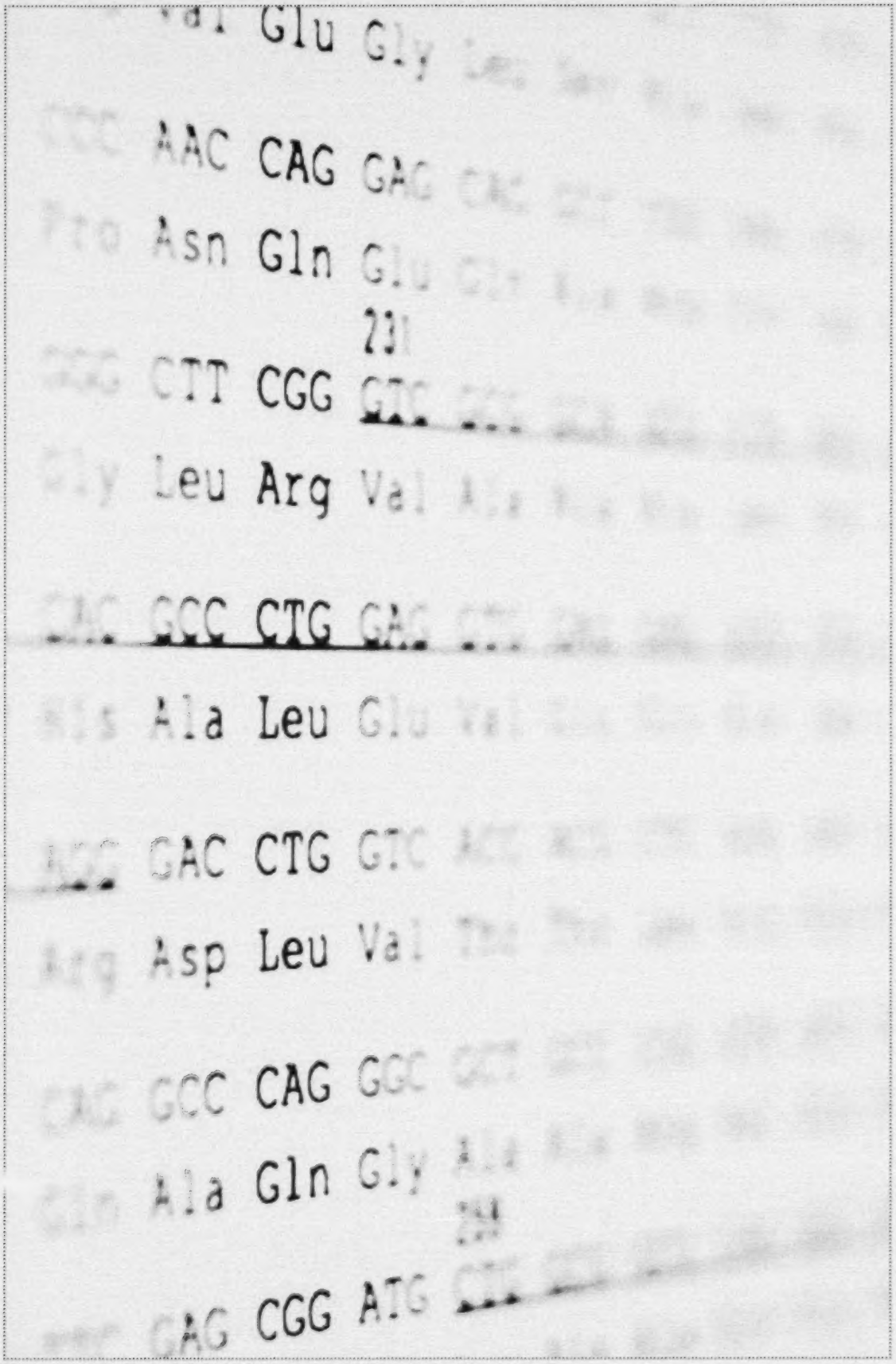
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GAG CGG ATG

Table of Contents

2 Message from the Commissioner, Royal Canadian Mounted Police

4 New Legislation Bolsters Effectiveness of NDDB

5 Progress, Expertise, Future

8 Harnessing the Power of DNA Analysis

9 History of DNA Legislation in Canada

10 The National DNA Data Bank (NDDB)

12 The Working Science

14 Process for Reporting and Confirming Matches

15 National DNA Data Bank Advisory Committee

17 Key Statistics

21 Financial Statement

22 DNA Coordinators: Training and Guidance on Endorsement

SUCCESS STORIES

24 . DNA Evidence Leads to Murder Conviction, Life Sentence

25 . Convicted Offenders Index Revives Cold Case

26 . DNA on Soda Can Solves Mystery

27 Appendix A: DNA Designated Offences

. Primary (compulsory)

. Primary (presumptive)

. Listed Secondary Offences

29 Appendix B: Generic Secondary Offences

Message from the Commissioner, Royal Canadian Mounted Police

The National DNA Data Bank (NDDB) is a key program under the RCMP's Policing Support Services and is a recognized and respected contributor to the law enforcement community. The RCMP and the NDDB are committed to accountability and transparency, and to employing quality assured scientific processes. The NDDB strives to provide valid scientific results in a cost-effective manner with the highest regard for protecting privacy and security.

This is a particularly significant year for the NDDB as its scope has been broadened by the enactment of Bills C-13 and C-18 on January 1st, 2008. This involves legislative changes to the *Criminal Code*, *DNA Identification Act* and *National Defence Act*. The changes expand the scope of existing DNA legislation and improve the procedures surrounding the collection and management of samples and DNA profiles contained in the NDDB. This includes expanding the list of designated offences that qualify for inclusion in the NDDB's Convicted Offenders Index (COI).

These amendments significantly support the work of the NDDB by enhancing its ability to assist in the timely resolution of an investigation and in the protection of the innocent and potentially falsely accused. The NDDB not only anticipates an increase in the number of Convicted Offenders Samples in its data base, but ultimately that the changes will augment law enforcement abilities to make important cross-jurisdictional links to crime.

Based on science and statistics, the NDDB has shown success through the number of DNA profile matches made against the crime scene evidence and convicted offender profiles. Over the last eight years, the NDDB has achieved 10,302 matches through the dedicated work of 25 employees and the many scientists in forensic laboratories across Canada who provide the crime scene DNA profiles. This is accomplished by working in close partnership with other police agencies, RCMP and provincial forensic laboratories and the justice system as a whole.

The NDDB continues to effectively deliver on its mandate and to make improvements in our services, and the manner in which those services are delivered. The NDDB's progressive measures include exploring and implementing innovative scientific processes and advanced technologies. These advancements, along with the recent changes to the *Criminal Code* and *DNA Identification Act*, are fundamental to the NDDB's operations to help keep communities safe and secure.

The NDDB exemplifies the RCMP's commitment to maintain and improve the quality of the services we provide to Canadians, and on which the safety of our fellow citizens depends. On behalf of the RCMP, it is my privilege to present the following annual report.

William J.S. Elliott,
Commissioner

New Legislation Bolsters Effectiveness of NDDB

The ability of the Canadian law enforcement and criminal justice communities to solve crimes and administer justice was strengthened when Bills C-13 and C-18 came fully into force on January 1, 2008. The bills expanded the scope of existing DNA legislation and improved the procedures surrounding the collection and management of DNA evidence contained in the NDDB.

In amending the *DNA Identification Act*, *National Defence Act* and *Criminal Code*, the bills expanded the list of designated offences* that qualify for inclusion in the NDDB's Convicted Offenders Index (COI). Further, the courts are now able to make a DNA data bank order using only one section of the *Criminal Code*.

In terms of making a DNA order for the NDDB, there are now four categories of offences, which for simplicity can be described as:

- **Primary mandatory**—court is compelled to make the order
- **Presumptive primary**—court shall make the order unless offender convinces court that impact on privacy and security is 'grossly disproportionate' to public interest
- **Listed secondary**—Crown must apply and court has broader discretion than with primary offences
- **Generic secondary**—Crown must apply and offence must be tried on indictment and be punishable by a sentence of at least five years

Of the primary offences, the 16 deemed to be most serious fall into the new primary mandatory category, including murder, sexual assault with a weapon, kidnapping and extortion. In these instances, the court has no discretion whatsoever and must issue a DNA order for the NDDB. The increase of designated primary offences includes ones that were re-categorized from secondary to primary, such as those relating to child pornography and breaking and entering into a dwelling house. Other primary offences, such as sexual exploitation of a person with a disability and intimidation of a justice system participant or journalist, are new additions.

The list of secondary designated offences was also expanded to include all offences prosecuted under the *Criminal Code*—and most under the *Controlled Drugs and Substances Act*—that are tried by indictment and carry a maximum sentence of five or more years. Uttering threats and criminal harassment represent new additions to the secondary offences list.

The expansion of DNA offences means more convicted offender samples will qualify for entry into the COI. An increase in entries for the Convicted Offenders Index ultimately means that more crimes will be solved and more offenders brought to justice, all of which contributes to making Canada a safer and more secure place to live.

*Note: Refer to Appendices at the end of the report for the list of offences and definitions.

Progress, Expertise, Future

SCIENTIFIC PROGRESS

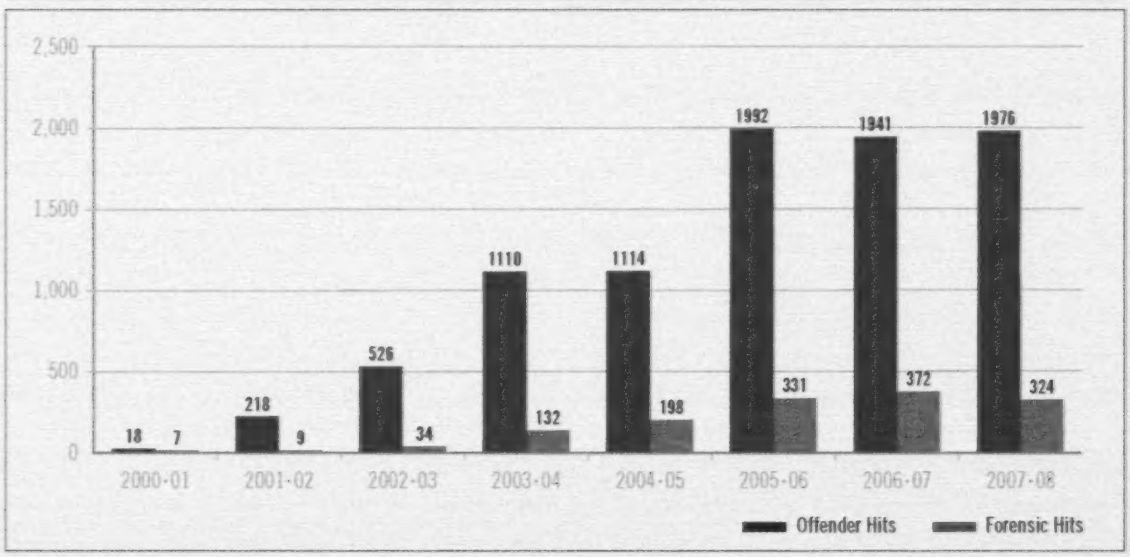
The analytical methods used by the NDDB must be valid and consistent among the forensic science community. However, new techniques are always being developed, and the NDDB must continually review any new methods which may be the next wave in DNA analysis. For example, a new development currently being explored might allow the analysis of smaller samples of DNA which could be useful for the processing of degraded biological samples. Technologies such as this will no doubt have the potential to play important roles in police investigations, and the NDDB must continue to determine whether these should be considered for implementation.

The NDDB evaluates new methods and balances scientific enhancement with practical considerations such as; benefits over current methods, training, impact on information sharing, and whether comparison with existing DNA profiles is possible. This is particularly critical given the many NDDB hits that have associated crimes and convicted offenders across broad periods of time.

As different forensic laboratory systems may choose to adopt different scientific methods and technologies at different times, the NDDB plays a significant role in validating the scientific methods and ensuring technology compatibility so that the integrity and usefulness of the data in the NDDB is maintained.

Ultimately, the NDDB makes operational decisions based on whether it is consistent with its legislated mandate, and if the science will ensure quality results.

Offender and Forensic Hits



Data obtained from previous annual reports.

INFORMATION SHARING PROGRESS

Information sharing extends to the international law enforcement community, where Interpol plays a central role in dialogue on the exchange of information between DNA data banks. Partner commitment, and acknowledgement of the common impact of borderless crime for all countries, will be key to resolving the challenges posed by differing jurisdictional constraints. The NDDB is actively involved in these discussions and is committed to preserving the integrity of data and privacy, while supporting the principle of information sharing.

EXPERTISE AND ADVICE

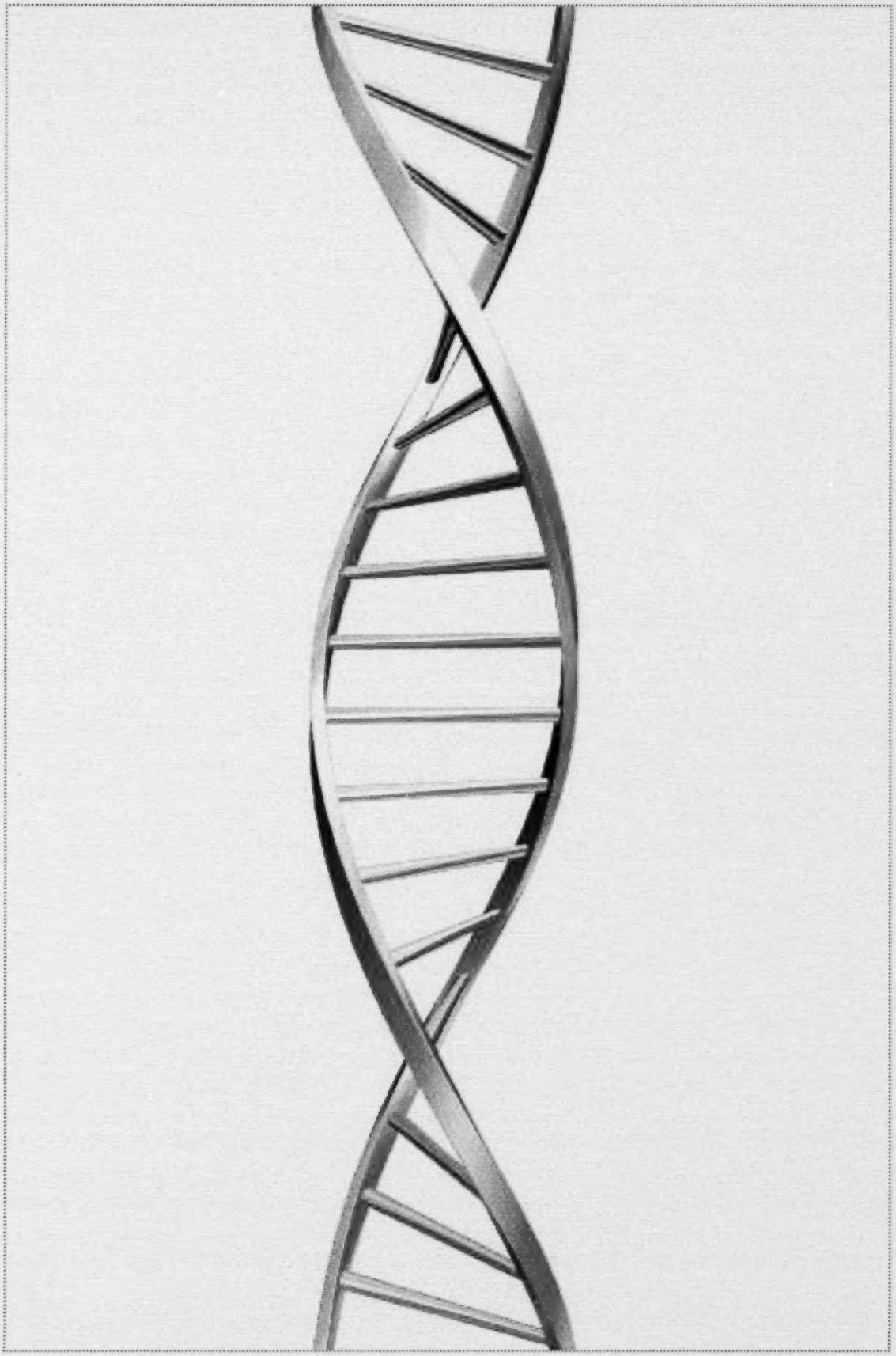
Many stakeholders have come to rely on the NDDB for its scientific expertise and advice for new initiatives. Beyond its excellence in DNA analytical services and management of a national database, the NDDB is also sought after for its excellence in privacy protection and assistance in mass disaster investigations.

THE FUTURE

Given the rapid evolution of science and technology and the changing legislative environment, the NDDB is not resting on its current success. It is planning for changes that will maintain its value as an investigational tool. Any decisions about new methods and processes will be rooted in the best interests of its stakeholders and will demonstrate best value for Government's investment. The NDDB will fully participate in the Parliamentary Review of the NDDB, which will evaluate the effectiveness and efficiency of the NDDB.

The NDDB will support its leading edge scientific methods by attracting and retaining the most qualified scientists and analysts to support its mandate. It will also continue to share its expertise by providing training to partners and by participating in scientific and information-sharing dialogue and initiatives.

The heart of the NDDB rests in legislation and in Government's confidence in a national database in support of Canadian law enforcement. The NDDB is committed to maintaining this confidence and accountability.



Harnessing the Power of DNA Analysis

DNA analysis was first used by the RCMP in 1989 in an investigation in which a suspect denied any involvement in a sexual assault, but the victim identified him as the attacker. DNA analysis later confirmed the victim's story. After the DNA test results were presented in court, the suspect changed his plea to guilty.

At this early stage, there was no central coordination at the national level that could help police take full advantage of the unfolding advances in DNA technology. In 1995, the Canadian *Criminal Code* was amended to add DNA warrant provisions. Under these provisions, a provincial court judge may authorize the collection of a DNA sample from a suspect for the purpose of forensic DNA analysis in the course of the police investigation of a designated *Criminal Code* offence.

In order for this new tool to be used to its full potential, there was a need to coordinate DNA profiling data from investigations across the country. With support from all levels of government, the general public and police agencies throughout Canada, decisive steps were taken to create the National DNA Data Bank.

In 1996, the Department of the Solicitor General (as it was then known) and the Department of Justice undertook Canada-wide consultations regarding the establishment of a National DNA Data Bank.

The following groups participated in these consultations:

- Provinces and territories
- Police associations
- Privacy officials
- Bar associations
- Victim advocates
- Women's groups
- Correctional officials
- Medical and scientific organizations

Confirming the Government of Canada's commitment to combat crime and especially violent crime, Bill C-3, the *DNA Identification Act* (S.C. 1998 c.37) received Royal Assent on December 10, 1998 and was proclaimed in force on June 30, 2000.

That same year, Parliament enacted Bill S-10, an Act to amend the *National Defence Act*, the *DNA Identification Act* and the *Criminal Code* (S.C. 2000, c.10). The RCMP then built the National DNA Data Bank after Bill C-3 received Royal Assent. The project was completed on time and under budget.

HISTORY OF DNA LEGISLATION IN CANADA

1989	First RCMP DNA case.
1995 July	Bill C-104 receives Royal Assent. The Bill amends the *Criminal Code* and the *Young Offenders Act* to enable a judge to issue a warrant allowing police to obtain DNA evidence from suspects in a criminal investigation. This is Phase I of the Government of Canada's DNA Strategy, which provided the legislative framework for the use of DNA evidence in criminal proceedings.
1995 August	The Canadian Association of Chiefs of Police (CACP) joins hundreds of other organizations across the country in urging the government to create a National DNA Data Bank.
1996 January	Phase II of the Government of Canada's DNA Strategy begins with nation-wide consultations for the establishment of a National DNA Data Bank.
1997 April	Bill C-94 received first reading and died on the Order Paper.
1997 September	Bill C-94 is re-introduced in the House of Commons under the number C-3. Bill C-3 was introduced on Sept. 25, 1997.
1998 September	Bill C-3 received third reading.
1998 December	Bill C-3 receives Royal Assent—Statutes of Canada 1998, c.37. Work begins with an aggressive 18 month schedule to establish the National DNA Data Bank.
1999 November	Bill S-10 is tabled in the House of Commons. Based on Senate recommendations, the Bill contains amendments to Bill C-3 including: the taking of fingerprints for identification purposes, the inclusion of designated offenders convicted in the military justice system, and a full legislative review after five years, to be conducted by the Senate and the House of Commons.
2000 June	June 30, Royal Assent to Bill S-10 and proclamation of Bills C-3 and S-10. DNA sample collections are expected to commence immediately following proclamation.
2005 May	Royal Assent to Bill C-13. Amendments to expand the retroactive scheme; to clarify National DNA Data Bank (NDDB) profile sharing procedures with laboratories; and to establish procedures to confirm the validity of NDDB orders come into force on Royal Assent. Other provisions of the Bill to create a new category of primary designated offences where there is no discretion not to make the order; to expand the definitions of primary designated offence and secondary designated offence; to make those found not criminally responsible eligible for DNA data banking; and to simplify collection procedures that come into force on proclamation.
2007 June	Royal Assent to Bill C-18. Amendments to facilitate implementation of Bill C-13, and: . further expand the retroactive scheme to cover attempted murder and conspiracy, and replace the two year serving of sentence requirement with serving a sentence of imprisonment . allows data bank orders to be made within 90 days after the person is sentenced or found not criminally responsible . allows a person to be summoned for execution of a data bank order and penalties for failure to appear . clarifies international NDDB profile sharing procedures . clarifies destruction procedures for invalid NDDB orders
2008 January	Bills C-13 and C-18 came into force. Amending the *DNA Identification Act*, *National Defence Act* and *Criminal Code*.

The National DNA Data Bank (NDDB)

The RCMP, through its Policing Support Services, is the steward of the NDDB on behalf of the Government of Canada and operates the NDDB for the benefit of the entire law enforcement community.

The NDDB assists law enforcement agencies in solving crime by:

- linking crimes where there are no suspects,
- helping to identify or eliminate suspects where there is no match between crime scene DNA and profiles in the NDDB, and
- determining if there is a serial offender.

The NDDB improves the administration of justice by assisting in the identification of those who commit serious crimes, and by focusing investigations to eliminate suspects. Robotic technology, coupled with a sophisticated Sample Tracking and Control System™ (STaCS™), allows NDDB analysts to rapidly process samples in a cost effective way, while ensuring overall data security and providing quality control throughout the DNA analytical process.

The NDDB strictly adheres to the privacy principles contained within the *DNA Identification Act* while balancing the need for police officers to identify suspects. Stringent procedures governing the handling of biological samples and resulting DNA profiles ensure that the privacy rights of individuals are protected.

Information collected by the NDDB is used solely for law enforcement purposes; in fact the DNA profiles are considered anonymous pieces of DNA and, apart from gender, do not specify any medical or physical information about the donor.

In 2007/2008 the NDDB and its legal partners added 17,194 entries to the Convicted Offenders Index. Biological samples are collected from convicted offenders by trained police officers, processed by the NDDB, and the resulting DNA profiles are entered into the Convicted Offenders Index.

The NDDB is also the custodian of the Crime Scene Index (CSI), a separate electronic database of DNA profiles from crime scene evidence analyzed and uploaded into the NDDB by the three Canadian forensic laboratory systems. The NDDB received 6,702 new submissions to the CSI in 2007/2008.

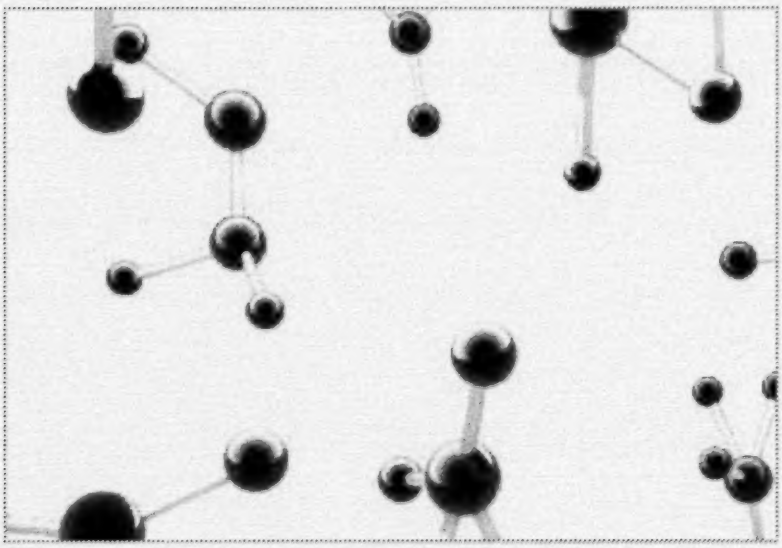
The NDDB's three forensic laboratory partners in Canada are:

- the RCMP Forensic Science and Identification Services (with sites in Halifax, Ottawa, Winnipeg, Regina, Edmonton and Vancouver),
- the Centre of Forensic Sciences in Toronto, and
- Laboratoire de sciences judiciaires et de médecine légale in Montréal.

Possible matches are identified in one of two ways:

- New DNA profiles entered in the CSI are compared against DNA profiles from other crime scenes. These matches associate different crimes to each other, which helps investigators to look for other commonalities that may assist with solving the crimes.
- Comparison of new crime scene or convicted offender entries to associate an offender with a particular crime.

In 2007/2008, the NDDB identified 324 crime scene to crime scene matches, and 1,976 crime scene to convicted offender matches, bringing the total hits for this fiscal year to 2,300.



The Working Science

The National DNA Data Bank (NDDB) is comprised of two indices; the Convicted Offenders Index and the Crime Scene Index.

THE CONVICTED OFFENDERS INDEX

The Convicted Offenders Index is the electronic DNA profile database developed from biological samples collected from:

1. Offenders convicted of designated primary and secondary offences (see Appendices A and B) identified in section 487.04 of Canada's *Criminal Code*, and

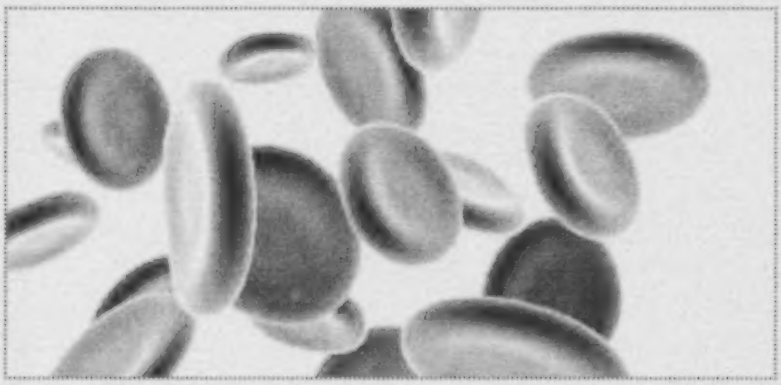
2. Offenders who meet the retroactivity criteria in section 487.055 of the *Criminal Code*. In general terms, this applies to those convicted of certain serious offences who were already serving a sentence or who had been declared a dangerous offender before June 30, 2000 when the *DNA Identification Act* was proclaimed. (See Key Statistics explanatory notes on page 18 for a complete description of retroactive provisions)

Biological samples from convicted offenders are collected by police who have been specifically trained to do so. These biological samples include:

i. **Blood:** The sample is obtained by using a sterile lancet to prick the fingertip and then collecting bloodstains on a specially prepared sample card.

ii. **Buccal:** The inside of the mouth is rubbed with a foam applicator to obtain skin cells that are then transferred to a specially prepared sample card.

iii. **Hair:** 6-8 hairs are pulled out with the root sheath attached which are then placed on a specially prepared sample card.



The convicted offender biological samples are collected and submitted to the NDDB to be processed into DNA profiles. These DNA profiles are loaded into the Combined DNA Index System (CODIS), a software package that stores and compares the profiles. CODIS was developed by the Federal Bureau of Investigation and the US Department of Justice and provided to the NDDB at no cost. The software is a universally accepted standard for forensic lab atories, which allows the NDDB to participate in the sharing of information consistent with signed international agreements.

THE CRIME SCENE INDEX

The Crime Scene Index is a separate electronic database composed of DNA profiles obtained from crime scene investigations of the same designated offences as the Convicted Offenders Index. Exhibits containing biological evidence are collected by investigators and submitted to one of the three forensic laboratory systems (RCMP Forensic Science and Identification Services, Laboratoire de sciences judiciaires et de médecine légale, and the Centre of Forensic Sciences).

Information from the resulting DNA profiles is uploaded into the Crime Scene Index by the forensic laboratories. The NDDB retains this electronic information as well as basic details such as the date, location of the submitting laboratory and a unique number identifier that allows information to be compared by the submitting laboratory in the event of a future match.

PRIVACY OF INFORMATION

It is important to understand that both crime scene and convicted offender samples are identified simply by a bar code number. In fact, the donor identity of a convicted offender is separated from the genetic information when the sample arrives at the NDDB. The bar code is the only link between personal information and the biological sample and DNA profile. The personal information is protected information that is not accessible by NDDB staff, and is kept in a separate registry by the RCMP's Canadian Criminal Real Time Identification Services (CCRTIS).

Canadian law makes it clear that the NDDB profiles can only be used for law enforcement purposes. The NDDB does not share the DNA profiles with anyone other than law enforcement agencies. The DNA profiles are the result of 13 special DNA markers that are tested to produce a DNA profile which is unique to each individual (with the exception of identical twins). These 13 regions of interest are considered anonymous, and other than gender, do not provide specific medical or physical information about the donor. The regions chosen by the NDDB are the same regions of genetic variation used throughout the United States and in many other countries conducting forensic DNA analysis.

Process for Reporting a Match

NDDB processes biological samples from convicted offenders and uploads the resulting DNA profiles into the Convicted Offenders Index.

Forensic laboratories process biological samples left at crime scenes and upload the resulting DNA profiles into the Crime Scene Index of the NDDB.

▼

NDDB runs search between the Crime Scene Index and the Convicted Offenders Index.

▼

Match between a convicted offender profile and a crime scene profile.

▼

Barcode + Laboratory ID + CODIS identifier brought to Canadian Police Services Information Centre (CPSIC).

▼

CPSIC forwards the convicted offender data to the forensic laboratory.

▼

Forensic laboratory passes the convicted offender identity information to the investigator.

Process for Confirming a Match

Once the investigator has received the convicted offender's identity from the forensic laboratory, the following procedure is followed to confirm the match.

The investigator assesses the case evidence to determine if further investigation of the suspect is required.

▼

If evidence of a match between the convicted offender and the crime scene profile is required for court purposes, the investigator must apply to a provincial court judge for a DNA warrant. If the warrant is ordered, a biological sample can be collected from the suspect under that authority.

▼

The biological sample is submitted to a forensic laboratory for analysis. The laboratory compares the suspect's DNA profile to that of the crime scene evidence.

▼

The forensic laboratory issues a report confirming a match between the suspect's DNA profile and that of the crime scene evidence.

▼

Based on the laboratory report and other investigative information, the investigator can consider whether charges should be laid or recommended against the suspect.

National DNA Data Bank Advisory Committee

The NDDB Advisory Committee was established through the DNA Data Bank Advisory Committee Regulations, which were made under the authority of the *DNA Identification Act.* The Committee advises the Commissioner of the RCMP on matters related to the effective and efficient operation of the National DNA Data Bank (NDDB). Members are appointed by the Minister, Public Safety Canada.

The Advisory Committee began meeting in January 2000 to support the establishment of the NDDB and has continued to provide relevant and strategic advice to the Commissioner of the RCMP since that time. The Committee is comprised of experts from policing, privacy commission, molecular biology/population biology, medical genetics, bio-medical ethics, the NDDB and the legal community.

The Advisory Committee continues to review key issues such as governance, legislation, risk awareness, training for police and education updates for the legal and judicial community, international agreements and new technologies. The Committee is presently working closely with the NDDB in anticipation of the validation and adoption of newer technologies and genetic procedures. These technologies and procedures will increase the efficiency and discrimination levels of DNA profiles within the NDDB.

The Committee is looking forward to participating in the Parliamentary Review of the *DNA Identification Act*, which is expected to occur in 2008. The Committee members are keenly interested in seeing this review conducted in an expeditious manner in the interest of enhanced public safety and justice for all Canadians.

> *"The Data Bank is operating effectively and meeting the expectations of its clients—forensic laboratories and police agencies across Canada."*
>
> **Richard Bergman,** M.Sc., D/Commissioner (Retired), Chairperson, NDDB Advisory Committee

NATIONAL DNA DATA BANK ADVISORY COMMITTEE MEMBERS

RICHARD A. BERGMAN

M.Sc., D/Commr. (Rtd), Chairperson, former Director of the RCMP Forensic Laboratories and Deputy Commissioner, National Police Services.

DR. FREDERICK R. BIEBER

Canadian-born Associate Professor of Pathology in the Faculty of Medicine at Harvard University. Dr. Bieber is a medical geneticist and a specialist in bio-medical ethics.

DR. GEORGE R. CARMODY

Vice Chairperson, Associate Professor of Biology at Carleton University. Dr. Carmody is a regular expert witness in DNA-related court cases in Canada.

THE HONOURABLE PETER CORY

C.C., C.D., Q.C., retired Justice of the Supreme Court of Canada. The Honourable Peter Cory is currently working with the Federal Department of Justice and Osler ADR Centre.

GISÈLE CÔTÉ-HARPER

O.C., Q.C., graduate of Harvard Law School and currently a Barrister and a Professor at the Faculty of Law, Université Laval, specializing in Criminal Law and Human Rights.

DR. WILLIAM S. DAVIDSON

Professor of Molecular Biology and Biochemistry, Simon Fraser University (Burnaby, B.C.). Dr. Davidson has published widely in the areas of molecular evolution, population genetics, genomics and human genetics.

RAYMOND D'AOUST

Assistant Commissioner, Office of the Privacy Commissioner of Canada.

DR. RON FOURNEY

O.O.M., Director, National Services and Research, Forensic Science and Identification Services, RCMP.

Key Statistics

March 31, 2008

Table 1 Cases Assisted by the NDDB	
Murder	567
Sexual Assault	1,220
Attempted Murder	225
Robbery (armed)	1,020
Breaking and Entering with Intent, Committing an Offence, or Breaking Out	5,088
Assault	607
Other	168
Total	**8,895**

Table 2 Match Inventory Report	
Offender Hit—Crime Scene Index to Convicted Offenders Index	8,895
Forensic Hit—Crime Scene Index to Crime Scene Index	1,407
Offender Duplicate (Two samples taken from the same person)	4,124
Identical DNA Profiles (from different individuals i.e. identical twins)	67

Note: Table 2 includes the results of 362 incoming International Interpol search requests providing 1 Offender Hit and 1 Forensic Hit, as well as 87 outgoing International Interpol search requests providing 1 Offender Hit.

EXPLANATORY NOTES

Offender "Hit": A DNA profile developed from crime scene evidence and entered in the NDDB matches a DNA profile in the Convicted Offenders Index.

Forensic "Hit": A DNA profile developed from crime scene evidence and entered in the Crime Scene Index of the NDDB matches another crime scene DNA profile in the Crime Scene Index.

Offender Duplicate: Cases where two biological samples from the same person were submitted to the NDDB.

Identical DNA Profiles: Profiles of identical twins.

Table 3 DNA Profiles Contained in the NDDB	
Convicted Offenders Index	128,124
Crime Scene Index	40,947
Total	**169,071**

Note: The NDDB receives 350-450 convicted offender samples per week.

Table 4 Breakdown of Profiles Contained in the Crime Scene Index	
Centre of Forensic Sciences (Toronto)	13,115
Laboratoire de sciences judiciaires et de médecine légale (Montréal)	16,440
RCMP Forensic Science and Identification Services (Halifax, Ottawa, Winnipeg, Regina, Edmonton, Vancouver)	11,392
Total	**40,947**

EXPLANATORY NOTES

Convicted Offenders Profile: A DNA profile from an offender convicted of a designated offence (see Appendices A and B).

Crime Scene Profile: A DNA profile developed from biological evidence found at a crime scene.

Table 5 Breakdown of Convicted Offenders Samples Received According to Category and Offence Type			
Retroactive	3,842	Primary	72,459
Retrospective	59,675	Secondary	63,303
Prospective	73,469	Other	1,224
Total	**136,986**	**Total**	**136,986**

EXPLANATORY NOTES

The Convicted Offenders Index is a post-conviction database composed of three categories of samples:

Retroactive: A biological sample taken from an offender who was found guilty of a designated *Criminal Code* offence before June 30, 2000 and who had been:

a. declared a dangerous offender under Part XXIV;

b. declared a dangerous offender or a dangerous sexual offender under Part XXI of the *Criminal Code*, being chapter C-34 of the Revised Statutes of Canada, 1970, as it read from time to time before January 1, 1988;

c. convicted of murder;

c.1. convicted of attempted murder or conspiracy to commit murder or to cause another person to be murdered and is currently serving a sentence of imprisonment for that offence;

d. convicted of a sexual offence within the meaning of subsection 487.055(3) of the *Criminal Code* and is currently serving a sentence of imprisonment for that offence; or

e. convicted of manslaughter and is currently serving a sentence of imprisonment for that offence.

As of March 31, 2008, approximately 6,116 offenders qualified for inclusion in the retroactive category as defined by Bills C-3 and C-13/C-18. From this list of qualified offenders, 4,420 files were concluded with the remainder being prepared by the Attorneys General for court applications.

Retrospective: A biological sample collected from an offender who committed a designated offence before June 30, 2000 and was convicted after that date.

Prospective: A biological sample collected from an offender who committed, and was convicted of, a designated offence after June 30, 2000.

Primary Offences: See Appendix A.

Secondary Offences: See Appendices A and B.

Samples Received versus Profiles Contained in the Convicted Offenders Index

As of March 31, 2008, the NDDB had received 136,986 biological samples, of which 128,124 DNA profiles were contained in the convicted offenders index. The difference of 6.5% can be attributed to rejected samples, duplicate samples, biological samples in the process of being treated and profiles removed from the convicted offenders index.

Table 6 Convicted Offenders Samples Received by Province

Alberta	14,389	Nunavut	648
British Columbia	14,413	Ontario	60,725
Manitoba	7,472	Prince Edward Island	317
New-Brunswick	1,994	Quebec	23,731
Newfoundland & Labrador	2,098	Saskatchewan	6,470
Nova-Scotia	3,575	Yukon	259
North West Territories	895		

Note: The above information represents the convicted offender samples received and is not reflective of the number of convictions eligible for inclusion into the Convicted Offenders Index.

Table 7 Type of Samples Received from Convicted Offenders

Blood	134,888	98.5%
Buccal	1,935	1.4%
Hair	163	0.1%
Total	**136,986**	

Table 8 Breakdown of Convicted Offenders Samples Received

Young Offender	17,847
Adult Offender	119,101
Military Offender	38

Sample Rejections

The NDDB has rejected only 1.5% of the samples it has received to date. The reasons for rejection include; offender convicted of a non-designated offence, inadequate biological samples, use of inappropriate collection kit, no court order made, and others. Over 58% of the rejected samples are the result of submissions from offenders convicted of non-designated offences and are therefore not eligible for inclusion in the Convicted Offenders Index.

These numbers for sample rejection do not include biological samples submitted without fingerprints. Typically, if an affidavit from the collection officer is provided at a later date, continuity is established and the sample can be accepted. Since June 30, 2000, the NDDB has received 801 biological samples that did not contain the fingerprint identification on the sample collection card or the fingerprint identification form.

Additional Samples

In some instances, samples had to be taken a second time, pursuant to subsection 487.091(1) of the *Criminal Code*, which provides for an application for resampling where a DNA profile can not be derived from the original sample. Since June 30, 2000, the NDDB has received 393 samples that were taken under this provision.

Table 9 Convicted Offenders Index Breakdown by Offence

Homicide	4,658
Sexual Related Offences	26,800
Break and Enter/Robbery	37,648
Assault	80,109
Controlled Drugs and Substance Act (CDSA)	519
Other	4,822

Note: More than one offence may be associated with a sample received.

Table 10 Breakdown of Biological Samples Destroyed and DNA Profiles Removed from the Convicted Offenders Index

	Adult	Young Person
Absolute discharge	56	14
Conditional discharge	1,112	175
Conviction quashed on appeal	150	8
DNA order/authorization quashed	18	4
No suitable DNA profile obtained	23	4
Retention period expired	0	406

EXPLANATORY NOTES

Homicide includes manslaughter.

Sexual Related Offence includes rape, sexual intercourse with a female under 14 and between 14 and 16, sexual intercourse with the feeble-minded, sexual interference, invitation to sexual touching, sexual exploitation, incest, bestiality in the presence of or by a child, child pornography, indecent acts, offence in relation to juvenile prostitution, sexual assault with a weapon, aggravated sexual assault, sexual assault, indecent assault, gross indecency, prostitution and luring a child.

Break and Enter/Robbery includes being unlawfully in dwelling-house and possession of break-in instrument.

Assault includes assault with a weapon or causing bodily harm, aggravated assault, assaulting a peace officer, overcoming resisting to commission of offence, criminal harassment and uttering threats.

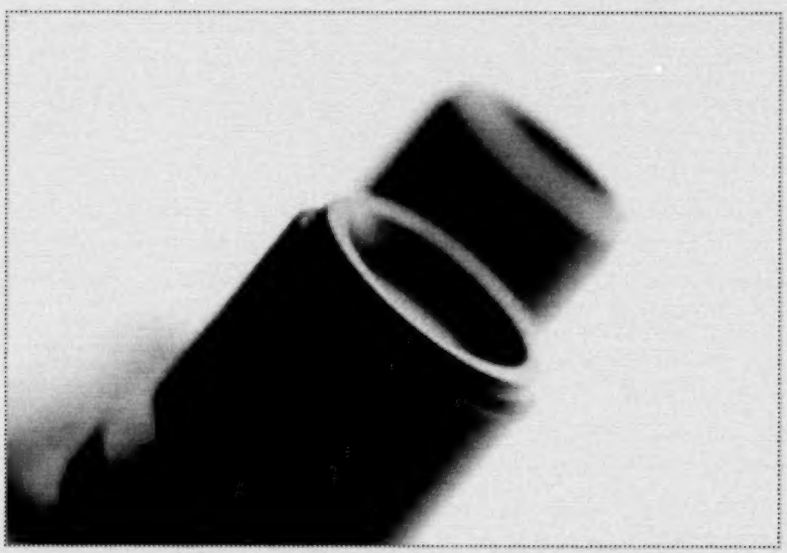
Controlled Drugs and Substances Act includes possession for purpose of trafficking, import or export of controlled substance, trafficking and production of substances.

The **Other** category includes using explosives, causing death by criminal negligence, causing bodily harm by criminal negligence, causing bodily harm with intent, dangerous operation causing death, failure to stop at the scene of an accident, impaired driving causing death, unlawfully causing bodily harm, kidnapping, hostage taking, mischief causing danger to life, arson-disregard to human life, setting fire to other substance, arson—own property, firearms, fraud, counterfeiting, criminal organization, escape, flight, theft over $5,000, forgery, disguise, personating with intent and intimidation.

Financial Statement

April 1, 2007 - March 31, 2008	
Expenditure Type	**Expenditure ($ thousands)**
Personnel	1,452
Transport and Communications	59
Development and Infrastructure Support	238
Rentals	7
Repair and Maintenance	78
Utilities, Materials and Supplies	772
Capital and Minor Equipment Purchases	5
Miscellaneous	16
Total	**2,627**

The Financial Statement does not include the indirect costs to operate the NDDB such as RCMP infrastructure support and maintenance.



DNA Coordinators: Training and Guidance on Endorsement

Partnership is a key part of the NDDB's success, administratively and operationally. The DNA Coordinators are part of the NDDB's network of partners from various police agencies located across Canada. The coordinators are peace officers representing many municipal, territorial, provincial, and federal jurisdictions, including the Department of National Defence military police.

The DNA Coordinators are responsible for following up on collection issues to ensure that qualifying samples meet the NDDB's legal requirements. The scope of responsibility of the coordinators was recently expanded as a result of the amendments to Bill C-13 and Bill C-18 coming fully into force January 1, 2008. One important addition to the coordinator's duties is to provide training and guidance on the new endorsement process.

> *"The successes of the NDDB in aiding police with their investigations can only be enhanced by the submission of more samples to the two indices, Convicted Offenders and Crime Scene. The endorsement process will ensure that we will be able to retain more samples from offenders who are eligible. Since the samples are obtained from repeat offenders it is even more critical that we are able to retain them. The additional workload in completing this task is a small price to pay in order to ensure we can provide safe and secure communities for the people we serve."*
>
> **Detective Sergeant M. J. Bussières,** Provincial DNA Coordinator, Forensic Identification Unit, Ontario Provincial Police

Section 487.071(2) of the *Criminal Code of Canada* requires a peace officer to verify whether a person's DNA profile is already in the NDDB before taking a biological sample. In the event that the person has a sample in the Convicted Offenders Index of the data bank, peace officers shall not take bodily substances, however, are required to complete an endorsement document confirming this fact and to also take a set of fingerprints to confirm the identity of the person. The peace officer then forwards the documents to the NDDB along with the order. The purpose of the endorsement procedure is to replace the order on prior conviction if for any reason the initial order is overturned or successfully appealed. This ensures that an order for collection is kept on file and the DNA profile remains in the NDDB for the subsequent eligible offence.

The DNA coordinators' role is vital in the endorsement process. The coordinators provide guidance and assistance to partners on the required procedures to complete the endorsement process. This coordination with the partners increases the understanding of the endorsement process and ensures the necessary safeguards are in place to cross-check requests for eligible sample removal.

DNA profiles and samples must be removed from the Convicted Offenders Index when; the conviction or DNA order is quashed on appeal, the criminal record retention period has expired in the case of young person, an absolute discharge (1 year), or a conditional discharge (3 years) unless there is on the criminal record an endorsed DNA sample collection order for another designated offence. The process involved in obtaining DNA Data Bank orders for all qualifying offences and then having them endorsed once it is determined a DNA profile already exits in the National DNA Data Bank for that offender, although time consuming, ensures the data bank is used to its maximum potential for sample inclusion while respecting the rights of privacy and security of the individual.

SUCCESS STORY

DNA EVIDENCE LEADS TO MURDER CONVICTION, LIFE SENTENCE

In May of 2004, a man's body was found slumped over the steering wheel of a car that had jumped the curb in Hamilton during the early morning hours. The vehicle's lights were on and the engine was running. A post mortem revealed that the victim had been stabbed through the heart with a large knife. The murder weapon was never recovered.

Investigators collected forensic evidence from the crime scene, but without a murder weapon they had no leads and no suspects.

That changed in June when Hamilton Police were notified that the biological evidence collected from the crime scene matched a profile on the NDDB Convicted Offenders Index. After receiving a judge's authorization to obtain a biological sample from the suspect, the known DNA profile was matched not only to skin cells found under the victim's fingernails and tissue on the exterior of a condom, but to a strand of long, dark brown hair collected from the floor of the passenger side of the vehicle.

Investigators now had a female suspect and sufficient evidence to lay murder charges. In 2006, the DNA evidence, combined with strong circumstantial evidence, resulted in a second-degree murder conviction and a life sentence.

CONVICTED OFFENDERS INDEX REVIVES COLD CASE

An unsolved 1999 sexual assault was transformed from a cold case into a court case when investigators from the Winnipeg Police Service (WPS) took advantage of advancing DNA technology and the NDDB.

Following the assault, WPS conducted an investigation and collected forensic evidence, however, failed to identify a suspect and the case remained dormant. The WPS reviewed the evidence from the 1999 sexual assault case and pursued DNA evidence in 2006 as part of their initiative to re-open cold cases. The Forensic Science and Identification Services, Regina Laboratory identified new forensic evidence and revitalized the cold case.

This resulted in a suspect DNA profile, which was entered in the NDDB. There was a match to an individual serving a seven year sentence for a sexual assault conviction in 2003. As part of this sentence, the individual was required to provide a DNA sample for the NDDB.

Based on this information, a DNA warrant was obtained and a fresh blood sample was taken from the suspect, who was subsequently charged with sexual assault with a weapon and uttering threats. The pending case will proceed to a Superior Court trial, which will likely occur in late 2008 or early 2009.

Without the ability to compare DNA evidence from the 1999 assault with the NDDB profile from the 2003 conviction, the suspect would have been out on Statutory Release in March 2008. As a result of the new charge, parole authorities decided not to release the suspect until the outcome of the trial or the expiry of his current sentence.

SUCCESS STORY

DNA ON SODA CAN SOLVES MYSTERY

In September 2006 an unknown person broke into an investment firm in Medicine Hat and attempted to access the contents of the office safe. The safe and other office property was damaged, but only a small amount of loose change was stolen.

Although investigators had no suspects, they determined that an empty can of soda found at the scene could not be attributed to any of the employees. Investigators collected DNA evidence from the can which was submitted to the RCMP National Forensic Services for analysis. A DNA profile was derived and entered in the Crime Scene Index of the NDDB.

The case remained unsolved until a year later when there was a hit made between the DNA obtained from the soda can and a profile in the Convicted Offenders Index of the NDDB. The profile matched that of a person with an extensive criminal history who was well known to Medicine Hat Police. He had recently been required to submit a biological sample due to another conviction.

The suspect was subsequently charged and convicted of the break and enter thanks to the evidence collected on the soda can. This case demonstrates application of DNA evidence by investigators, as well as the value of obtaining biological samples as part of sentencing.

Appendix A

DESIGNATED OFFENCES—SECTION 487.04 OF THE *CRIMINAL CODE OF CANADA*

Primary—Compulsory Sec. 487.04(a)

212(2.1) Aggravated offence in relation to living on the avails of prostitution of a person under the age of 18 years
235 Murder
236 Manslaughter
239 Attempt to commit murder
244 Causing bodily harm with intent with a firearm
244.1 Causing bodily harm with intent with an air gun or pistol
245(a) Administering noxious thing with intent to endanger life or cause bodily harm
246 Overcoming resistance to the commission of an offence
267 Assault with a weapon or assault causing bodily harm
268 Aggravated assault
269 Unlawfully causing bodily harm
272 Sexual assault with a weapon, threats to a third party or causing bodily harm
273 Aggravated sexual assault
279 Kidnapping
344 Robbery
346 Extortion

An attempt or a conspiracy to commit one of these compulsory primary offences does not constitute a primary compulsory offence but a primary offence (refer to sec. 487.04 especially sub-sec. d) and 487.051(1) and (2)).

Primary—Presumptive Sec. 487.04(a.1)

75 Piratical acts
76 Hijacking
77 Endangering safety of aircraft or airport
78.1 Seizing control of ship or fixed platform
81(1) Using explosives
83.18 Participation in activity of terrorist group
83.19 Facilitating terrorist activity
83.2 Commission of offence for terrorist group
83.21 Instructing to carry out activity for terrorist group
83.22 Instructing to carry out terrorist activity
83.23 Harbouring or concealing
151 Sexual interference
152 Invitation to sexual touching
153 Sexual exploitation
153.1 Sexual exploitation of person with disability
155 Incest
163.1(2) Making child pornography
163.1(3) Distribution, etc of child pornography
163.1(4) Possession of child pornography
163.1(4.1) Accessing child pornography
172.1 Luring a child
212(1) Procuring
212(2) Living on the avails of prostitution of a person under 18 years
212(4) Prostitution of a person under 18
233 Infanticide
271 Sexual assault
279.01 Trafficking in a person
279.1 Hostage taking
348(1)(d) Breaking and entering a dwelling-house
423.1 Intimidation of a justice system participant or journalist
431 Attack on premises, residence or transport of internationally protected person
431.1 Attack on premises, accommodation or transport of United Nations or associated personnel
431.2(2) Explosive or other lethal device
467.11 Participation in activities of criminal organization
467.12 Commission of offence for criminal organization
467.13 Instructing commission of offence for criminal organization

Historic sexual offences under any of the following provisions of the Criminal Code, chapter C-34 of the Revised Statutes of Canada, 1970, as they read from time to time before January 4, 1983, namely:
144 Rape
146 Sexual intercourse with female under 14 and between 14 and 16
148 Sexual intercourse with feeble-minded, etc.
149 Indecent assault on female
156 Indecent assault on male
157 Acts of gross indecency

Primary—Presumptive Sec. 487.04(a.1) *continued*

An offence under the following section of the Criminal Code, chapter C-34 of the Revised Statutes of Canada, 1970, as it read from time to time before January 1, 1988:

153(1)(a) Sexual intercourse with step-daughter

484.04(d)
An attempt or a conspiracy to commit one of these offences also constitute a primary offence

Sec 487.04 primary (c.1)
The Security of Information Act section

6 Approaching, entering, etc., a prohibited place
20(1) Threats or violence
21(1) Harbouring or concealing

Listed Secondary Offences Sec. 487.04 (c)

145 Escape and being at large without excuse
146 Permitting or assisting escape
147 Rescue or permit escape
148 Assist prisoner of war to escape
160(3) Bestiality in the presence of or by child
170 Parent or guardian procuring sexual activity
173 Indecent acts
252 Failure to stop at scene of accident
264 Criminal harassment
264.1 Uttering threats
266 Assault
270 Assaulting a peace officer
348(1)(e) Breaking and entering a place other than dwelling-house
349 Being unlawfully in a dwelling-house
423 IntimidationSec.

487.04(d)
An offence under any of the following provisions of the *Criminal Code*, as they read from time to time before July 1, 1990, namely,
433 Arson, attempt & conspiracy included
434 Setting fire to other substance, attempt & conspiracy incl.

Hybrid
Any other *Criminal Code* offence that is prosecuted by indictment for which the maximum punishment is imprisonment for five years or more.

Sec. 487.04 (b)
Controlled Drugs and Substances Act section
(only if prosecuted by indictment)

5 Trafficking in substance and possession for purpose of trafficking
6 Importing and exporting
7 Production of substance

487.04(e)
Attempt & Conspiracy
An attempt or conspiracy to commit any of the above but where in respect of Hybrid or CDSA offences, must be prosecuted by indictment.

Appendix B

Criminal Code offences that are prosecuted by indictment for which the maximum punishment is imprisonment for five years or more

Generic Secondary Offences Sec. 487.04(a)

47 High treason and treason
49 Acts intended to alarm Her Majesty or break the public peace
50 Assisting alien enemy to leave Canada or omitting to prevent treason
51 Intimidating Parliament or legislature
52 Sabotage
53 Inciting mutiny
57(1) Forge or use forged passport
57(3) Possession of forged passport, etc
61 Punishment of seditious offences
62 Offences in relation to military offences
68 Proclamation offences
70 Unlawful drilling—Orders by Governor in Council
74 Piracy
78 Take weapon or explosive on board
80 Breach duty of care re explosive substances
82(1) Explosives, possession w/o lawful excuse
82(2) Explosives, for benefit of criminal organisation
83.02 Providing or collection property for certain purposes
83.03 Providing, making available, etc., property or services for terrorist purposes
83.04 Using or possessing property for terrorist purposes
83.12* Offences—freezing of property, disclosure, or audit
83.231* Hoax terrorist activity
83.27 Punishment for terrorist activity
85 Use of firearm or imitation in offence (in case of second or subsequent offence)
86* Careless use, storage of firearm
87* Pointing a firearm
88* Possession of weapon for dangerous purpose
90* Carry a concealed weapon
91* Unauthorized possession firearm, etc.
92 Possession of firearm, etc. knowing unauthorized
93* Possession at unauthorized place
94* Unauthorized possession in motor vehicle
95* Possessing of prohibited or restricted firearm with ammunition
96* Possession of weapon obtained by offence
99 Weapons trafficking
100 Possession for purpose of weapon trafficking
101* Transfer without authority
102* Making automatic firearm
103 Importing/exporting knowing unauthorized
104* Unauthorized importing/exporting
105* Losing or finding weapons
106* Destroying weapons
107* False statements
108* Tampering with serial number
117.01* Possession contrary to order, etc
119 Bribery of judicial officers
120 Bribery of officers, etc
121 Frauds on the government
122 Breach of trust by public officer
123 Municipal corruption
124 Selling or purchasing office
125 Influencing or negotiating appointments or dealing in offices
132 Perjury
136 Witness giving contradictory evidence
137 Fabricating evidence
139(2) Obstructing justice
140* Public mischief
142 Corruptly taking reward for recovery of goods
144 Prison breach
160(1) & (2)* Bestiality and Compelling
162* Voyeurism
171(a) Householder permitting sexual activity
182 Dead body
184 Interception of communications
184.5 Interception of radio-based telephone communications
215* Duty of persons to provide necessaries
218* Abandoning child
220 Causing death by criminal negligence
221 Causing bodily harm by criminal negligence
238 Killing unborn child in act of birth
240 Accessory after fact to murder
241 Counselling or aiding suicide
242 Neglect to obtain assistance in child birth
247 Traps likely to cause bodily harm
248 Interfering with transportation facilities
249(1)* Dangerous driving
249(3) Dangerous driving causing bodily harm
249(4) Dangerous driving causing death
249.1(1)/(2)* Flight
249.1(3)/(4) Flight causing bodily harm or death
249.2 Causing death by criminal negligence—street racing
249.3 Causing bodily harm by criminal negligence—street racing
249.4(1)/(2)* Dangerous operation of motor vehicle while street racing
249.4(3) Dangerous operation causing bodily harm—street racing
249.4(4) Dangerous operation causing death—street racing
251 Unseaworthy vessel and unsafe aircraft
255(1)* Impaired driving
255(2) Impaired driving causing bodily harm
255(3) Impaired driving causing death
259(4)* Operation while disqualified
262 Impeding attempt to save life
269.1 Torture
270.1* Disarming a peace officer
273.3* Removal of child from Canada

Generic Secondary Offences Sec. 487.04(a) *continued*

279.02 Trafficking in persons—material benefit
279.03 Trafficking in persons—withholding or destroying documents
280 Abduction of person under 16
281 Abduction of person under 14
282* Abduction in contravention of custody order
283* Abduction
287(1) Procuring miscarriage
291 Bigamy
292 Procuring feigned marriage
293 Polygamy
300 Libel known to be false
302 Extortion by libel
318 Advocating genocide
334(a) Theft over $5000
336 Criminal breach of trust
337 Public servant refusing to deliver property
338(1) Fraudulently taking cattle or defacing brand
338(2) Theft of cattle
339 Taking possession, etc of drift timber
340 Destroying documents of title
342* Theft, forgery, etc or unauthorized use of credit card
342.01* Making, having or dealing in instruments for forgery or falsifying credit cards
342.1* Unauthorized use of computer
345 Stopping mail with intent
347* Criminal interest rate
351(1) Possess break-in instrument
351(2) Disguise with intent
355(a) Possess property over $5000/testamentary
356 Theft from mail
357 Bringing into Canada property obtained by crime
362(2)(a) False pretence or false statement over $5000
362(3) False pretence or false statement
363 Obtaining execution of security by fraud
367* Forgery
368* Uttering forged document
369 Exchequer bill paper, seals, etc
370 Counterfeit proclamation
371 Telegram in false name
374 Drawing document w/o authority
375 Obtaining, etc based on forged documents
376 Using counterfeit stamp, etc
377 Damaging documents
378 Offence in relation to registers
380(1) Fraud over $5000
380(2) Affecting public market
382 Fraudulent manipulation of stock transactions
382.1(1) Insider trading
382.1(2)* Tipping
383 Gaming in stocks or merchandise
384 Broker reducing stock by selling for his own account
386 Fraudulent registration of title
394 Fraud in relation to valuable minerals
394.1 Possession of stolen or fraudulently obtained valuable minerals
396 Offence in relation to mines
397 Falsification of books & documents
399 False return by public officer
400 False prospectus, etc
403* Personation with intent
405 Acknowledging instrument in false name
418 Selling defective stores to Her Majesty
420* Military stores
422* Criminal breach of contract
424 Threat against internationally protected person
424.1 Threats against United Nations or associated personnel
425.1* Threats and retaliation against employees
426 Secret commissions
430(2) Mischief that causes actual danger to life
430(3)* Mischief exceeding $5000
432(2)* Unauthorized recording for the purpose of sale, etc
433 Arson—disregard for human life
434 Setting fire to other substance
434.1 Arson—own property
435 Arson for fraudulent purpose
436 Arson by negligence
436.1 Possession of incendiary material
438(1) Interfering with saving of wrecked vessel
439(2) Interfering with marine signal
441 Occupant injuring building
443 Interfering with international boundary marks
444 Injuring or endangering cattle
449 Counterfeit money, making
450 Possession, etc of counterfeit money
451 Having unauthorized clippings, etc
452 Uttering counterfeit money, etc
455 Clipping & uttering clipped coin
458 Making, having or dealing in instrument for counterfeiting
459 Conveying instruments for coining out of Mint, etc
460 Advertising & dealing in counterfeit money, etc
462.31* Laundering proceeds of crime
753.3(1) Breach of order of long term supervision

* Represent a hybrid offence that becomes a secondary offence only if prosecuted by indictment—for which the maximum punishment is imprisonment of 5 years or more.